

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 195 Elections
SPONSOR(S): Allen and Bogdanoff
TIED BILLS: **IDEN./SIM. BILLS:** SB 1198

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Ethics & Elections Committee		Mitchell	Mitchell
2) PreK-12 Committee			
3) State Administration Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

HB 195 would require county supervisors of elections to submit a calendar of election dates to their respective district school boards. Based upon this submission, school boards would be required to make their teacher planning days coincide with the identified election dates so that schools could be made available as polling places.

The bill is effective July 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

B. EFFECT OF PROPOSED CHANGES:

HB 195 creates section 98.485, Florida Statutes, to require each county supervisor of elections to submit to the district school board "a calendar of election dates". The bill does not specify the time period covered by the election dates, nor the types of elections that must be included in the calendar.

Precincts are created or altered by the board of county commissioners, upon the recommendation and approval of the supervisor of elections. Supervisors of elections are required to designate a polling place at a suitable location within each precinct. Polling places are required to be open from 7:00 a.m. until 7:00 p.m. on election day. s. 100.011(1), F.S.

HB 195 requires teacher planning days to coincide with election dates so that schools can be made available as polling places. Currently, schools cannot be used as polling places because they are typically open for school business on election day.

Teacher planning days during the school year vary from county to county. For example, in 2003-2004, Leon County schools observed the following ten teacher planning days¹:

Monday – Friday, August 11-15, 2003 (students reported on August 18, 2003)
Friday, October 17, 2003
Monday, January 5, 2004
Friday, March 19, 2004
Friday, May 28, 2004
Tuesday, June 1, 2004 (day after Memorial day holiday)

In 2004-2005, Miami-Dade schools have observed or will observe the following ten teacher planning days²:

Thursday – Friday, August 12-13, 2004 (students reported on August 16, 2004)
Thursday, September 16, 2004
Friday, October 15, 2004
Friday, January 14, 2005
Friday, February 18, 2005
Friday, March 18, 2005
Friday, April 22, 2005
Thursday – Friday, June 2-3, 2005

With few exceptions, the above dates fall on a Monday, Thursday or Friday, and just prior to a student reporting date or immediately following the end of a regular school term.

Finally, the bill directs the county supervisor to coordinate its election plans with the school board so that the board is properly notified for school planning purposes.

¹ Leon County Schools web site - www.planning.leon.k12.fl.us

² Miami-Dade Schools web site - www.dadeschools.net/calendars

The bill is effective July 1, 2005.

C. SECTION DIRECTORY:

Section 1. Creates s. 98.485, F.S., to require county supervisors of elections to submit a calendar of election dates to the district school board. Based upon this submission, the school board is required to make its teacher planning days coincide with the election dates and make its schools available as polling places on those dates.

Section 2. Provides an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

2. Expenditures:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

Supervisors of elections may realize some cost savings if schools can be used as polling places instead of other sites.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Election laws are exempt from the mandates provision of s. 18(a), Article VII, of the State Constitution.

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to a Polling Place Survey conducted in 2003 by the Division of Elections, 2,686 polling places are currently inaccessible to handicapped voters – county supervisors of elections have requested variances for 2,462 of those locations.³ Those variances are valid until the primary election in 2006. School facilities are already compliant with these accessibility standards, making them an attractive location for polling places.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

³ Section 17, chapter 2002-281, Laws of Florida, provides that:

(1) By September 1, 2003, each polling place in a county should be surveyed by the supervisor of elections of that county for the purpose of determining accessibility under the standards to be adopted pursuant to s. 101.715, Florida Statutes, on July 1, 2004, using a survey developed by rule of the Department of State.

(2) The results of this survey shall be presented by the Division of Elections by December 1, 2003, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must note any polling places that will not meet the accessibility standards to be adopted on July 1, 2004, and shall state the specific reasons why those polling places may not be brought into compliance by that date. *For each polling place that may not be brought into compliance by that date, the supervisor of elections must certify that fact to the Division of Elections and shall be granted a variance for that polling place until the primary and general elections in 2006.*

(emphasis added.)